



Board for Judicial Administration (BJA) Meeting

Friday, May 16, 2014 (9 a.m. – Noon)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Kevin Ringus, Member Chair
Judge Veronica Alicea-Galvan
Judge Janet Garrow
Judge Judy Rae Jasprica
Judge Jill Johanson
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Judge John Meyer
Judge Sean O'Donnell
Justice Susan Owens
Mr. Patrick Palace
Judge Jeffrey Ramsdell
Judge Ann Schindler
Judge Laurel Siddoway (by phone)
Judge Scott Sparks

Public Present:

Mr. Tom Goldsmith
Mr. Rowland Thompson

Guests Present:

Judge Bryan Chushcoff
Mr. Michael Fenton
Judge Michael Finkle
Justice Steven González
Representative Ruth Kagi
Mr. Bruce Knutson
Ms. Sonya Kraski (by phone)
Judge James Lawler
Mr. Michael Merringer
Mr. Ryan Murrey
Mr. Paul Sherfey (by phone)
Judge Charles Snyder

AOC Staff Present:

Mr. John Bell
Ms. Shirley Bondon
Mr. David Elliott
Ms. Beth Flynn
Mr. Steve Henley
Ms. Shannon Hinchcliffe
Ms. Renée Lewis
Mr. Robert Lichtenberg
Ms. Regina McDougall
Mr. Ramsey Radwan

March 21 BJA Meeting Minutes

It was moved by Judge Sparks and seconded by Judge Ramsdell to approve the March 21 BJA meeting minutes. The motion carried.

Preliminary Budget Request Presentations

Mr. Radwan stated that this is a process to move general fund budget requests that impact the Administrative Office of the Courts' (AOC) budget forward or not. It is not a thumbs up or thumbs down, it is more to endorse the request. The BJA cannot stop a request from moving forward, the Supreme Court Budget Committee will give weight to recommendations made by the BJA. The BJA will vote on each request after all the presentations are made.

Economic Forecast: When considering the budget requests, the BJA needs to be aware of the four-year state budget and revenue outlook. In the most current outlook, everything remains

slightly positive. Decisions from court cases are not included in the budget outlook (e.g. *McCleary*) but the revenue will need to come from somewhere. If the Governor and the Legislature approve a cost of living adjustment (COLA) for state employees and teachers there would be another unanticipated big expense to the budget. Even though the budget outlook appears to be okay, there are a great deal of unknowns in the budget that would have to be plugged. Many of these costs could impact the judicial branch and do not take into consideration the demand on funds above the carry-forward revenue.

Presentations:

Employee Salary Adjustment: Mr. Radwan reported that the AOC, Court of Appeals and Supreme Court have hired a company to benchmark their positions. This will provide the agencies with a repeatable process for the future and with the data to request salary increases for certain positions. This funding request is for the cost of the salary increases which are unknown at this point in time since the benchmarking has not been completed.

It was moved by Judge Schindler and seconded by Judge Garrow to move the Employee Salary Adjustment budget request forward. The motion carried.

Becca Programs: Mr. Knutson stated that funding is requested to provide Becca Program services for youth found in violation of court orders. The current state funding does not fund the services for these youth. These are the most vulnerable children served. If evidence-based juvenile services are funded so youth can be referred, it will help the youth. For truancy, they would like funding for coordination of services. There is a proactive connection between the youth and the parent and funding would pay for 12 hours of family-based classes. For At Risk Youth (ARY) and Child in Need of Services (CHINS) they are recommending 30 group sessions for youth and 8-12 weeks of in-home intensive functional family therapy intervention. Not all Becca youth or families will need these services and there will be a recommendation to assess them when they are out of compliance to determine if they should use these services. This request is for \$2.5 million per year for the next biennium and will fund services for about 4,000 children.

It was moved by Judge Ramsdell and seconded by Judge Garrow to move the Becca Programs budget request forward. The motion failed.

Juvenile Court and Juvenile Detention Alternatives Initiative: This request is made on behalf of the Washington Association of Juvenile Court Administrators (WAJCA) and the Juvenile Detention Alternatives Initiative (JDAI) statewide Steering Committee and the Washington State Center for Court Research (WSCCR). Mr. Knutson reported that this request is for two staff. The first position would provide continued WSCCR support for juvenile court research and analysis. This position is needed to figure out a way to keep kids out of detention but without putting public safety at risk. Some courts can collect the necessary research data but the majority do not have the capacity. The second position would measure the effectiveness of JDAI which is a best practice and is one of the best nationwide initiatives that has resulted in positive changes. JDAI improves public safety and helps youth and families. Counties participating in JDAI have driven down their state costs for commitment significantly. This request is for \$394,000 for the biennium which includes the cost to add two FTEs (salaries and benefits) as well as some start-up costs such as computer equipment.

It was moved by Chief Justice Madsen and seconded by Judge Schindler to move the Juvenile Court and Juvenile Detention Alternatives Initiative budget requests forward. The motion carried.

CASA Restoration and State CASA Funding: Mr. Merringer reported that this request is for \$1.6 million for restoration of the CASA pass-through money. It will fund an increase in the number of Court Appointed Special Advocate (CASA) volunteers and provide additional support to Washington State CASA, a nonprofit organization. The funding saves the counties hundreds of thousands of dollars and is crucial funding for even moderate to high programs in counties and is probably why small counties are able to have this program. Mr. Murrey stated that the State CASA request is for \$75,000 a year to fund training opportunities for volunteers and program management staff. The federal government will reimburse 30¢ for every dollar spent on CASA training. The funding will help with the annual conference and two program management coordinators. Each CASA volunteer has to go through 40 hours of training before taking a case and the program management trainers train the trainers.

It was moved by Judge O'Donnell and seconded by Judge Sparks to move the CASA Restoration and State CASA Funding budget request forward. The motion carried with Justice Owens opposed.

Family and Juvenile Court Improvement Program (FJCIP) Expansion: Representative Kagi stated that she has been very involved with foster care issues while she has been in the Legislature. She heard about the difficulties families were having coming to court for dependency hearings and seeing different judges and delays. Sometimes the judges presiding did not appear to want to be there and/or aware of the issues involved with families in child welfare. She tried to develop a strategy to address this and talked to judges in other states who had dedicated juvenile court judges and she sponsored a bill to address these issues and it did not pass. She sat down with Judge Deborah Fleck to determine what could be done to address these issues and the FJCIP bill came out of those discussions. The grant program provides some pretty detailed oversight but does not require longer rotations or that commissioners be consistent. The commissioner issue is very real. In some jurisdictions, longer rotations would probably benefit children and families.

Representative Kagi spoke with Ms. McDougall last year and they pulled together a group to talk about how to improve outcomes for children and families. They took a look at this in the interim to discuss what other changes should be made to improve the court process to effectively move these cases through despite the complexity. Representative Kagi stated that the Amara group is continuing to meet and hoping to put together some research on the most effective practices. They are pushing to get something in early December and will draft a bill to introduce in January.

The funding would increase the number of participating courts from 13 to 17-21, depending upon workload factors. The total request is \$558,000 for the biennium.

Judge Krese shared that the Superior Court Judges' Association (SCJA) is supporting this request. The 13 counties who have funding have shown improvement and her county has shown amazing improvement in the timelines. The FJCIP coordinator who is funded by this program has done a wonderful job. Parents' attorneys were wary that this would work for their clients but the reality is that reunification is up 10% and the time to reunification has improved

and they do not end up being failed reunifications. Children need permanency and do not need to wait to get that.

It was moved by Judge Meyer and seconded by Judge Ramsdell to move the FJCIP Expansion budget request forward. The motion carried.

Guardianship Monitoring Program: Judge Lawler stated that this funding request is for a new program that does not currently exist. He is the Chair of the Certified Professional Guardian Board which oversees the licensing, discipline and training for the 271 certified professional guardians in the state. It is a fairly intensive program that they have right now. They do not deal with the monitoring of the cases—that is up to the courts. There are only a few courts in the state that have effective monitoring. There are about 15,000 lay guardians who are doing this work. In many of the smaller counties, their work is not being monitored because there is no funding and no staff. It is a problem now and will become a bigger problem as the population ages. The \$956,000 funding request proposes adding four regional coordinators who would be charged with getting volunteers, auditing reports, visiting incapacitated persons and reporting back to the court so there would be meaningful review. The benefit is that it will help protect the incapacitated person in the aging population. If counties already have a tracking system in place, they will not have to change.

There was no motion to move this request forward.

Misdemeanant Corrections: Judge Alicea-Galvan stated that this request arose from changes in statutes having to do with driving under the influence. It would fund a system of assessment and case management for offenders supervised under orders of courts of limited jurisdiction. The proposed system targets progressive corrections strategies to frequent misdemeanor level offenders, with a goal to provide meaningful intervention and interrupt criminal progression to more serious behavior. Many of the courts do not even have a probation department in place. Some counties also have very limited resources. They need supervision because it would address accountability of the defendants, cost savings, and recidivism. They would like something that will help courts supervise misdemeanants.

They looked at the model that was used by the Office of Public Defense for defense funding. They will also look at the amount of funding they began with.

This is brand new, and has not been done previously. They are bringing it to AOC because it is a court function.

Chief Justice Madsen will talk with the Governor about this and possibly funding it with Judicial Reinvestment Act funds. They are focusing on probation so this might fit into that nicely.

It was moved by Judge Alicea-Galvan and seconded by Judge Ramsdell to move the Misdemeanant Corrections budget request forward. Judge O'Donnell asked for a friendly amendment to delay the vote until the next meeting when the cost is known. Judge Alicea-Galvan and Judge Ramsdell agreed to the friendly amendment. The motion carried.

It was suggested that this request be modified to a program development request.

Telephonic Interpreting: Justice González stated that we know that without language there is not justice. The consequence is that someone will walk into a courthouse with a need with workers who cannot communicate with them. It is stressful and often requires a return visit. They are suggesting a need for the state to recognize and fund interpreters. The funding is currently primarily local. The first request is for telephonic interpreting. This is for the person who needs to come into the courthouse and needs a form, needs something explained, etc. The inability to help is extreme when you cannot communicate. It would offset 50% of the funds used for interpreting services. It will also reduce the stress level and tension for staff.

It was moved by Justice Owens and seconded by Judge Alicea-Galvan to move the Telephonic Interpreting budget request forward. The motion carried.

Trial Court Funding for Language Access: The other request is for the hearings themselves and would have state funding offset 50% of the interpreter costs to all superior, district, and municipal courts for limited English speakers. Currently, only partial state funding is available in 52 trial courts. The court administrators and judges are in support of this.

It was moved by Judge Alicea-Galvan and seconded by Judge Garrow to move the Trial Court Funding for Language Access budget request forward. A friendly amendment was added, and accepted, requesting that the computer component IT governance be included in the request. The motion carried.

It was requested that the June meeting materials include the BJA Resolution in Support of Language Access in the Courts and the letter from the Department of Justice to King County.

Therapeutic Court Coordinator: Judge Finkle stated that \$191,000 is being requested for the biennium to fund an AOC staff person to support, enhance and evaluate therapeutic courts in Washington. What makes the position important is that there needs to be a therapeutic courts repository. There needs to be some consistent point of reference. There are lots of different models. Drug court models are one way, mental health courts are another. There are more models than there are mental health courts. A staff person can keep track of best practices, emerging practices, promising practices that are one step off. Without someone to keep track of those processes all this knowledge can get lost when a judge rotates off a therapeutic courts committee. The staff person can keep track of some of those trends. Judge Finkle would not be surprised if some of the trends the statewide workgroup identified get reenergized. Without a statewide coordinator it might be difficult to get information about new therapeutic courts. It is also difficult to identify where courts want to change. One thing done nationally is that they convened a national work group to look at constitutional issues. Data collection is another thing the therapeutic courts can do to measure their success. Having a centralized staff person might enable them to develop some standardized way of measuring that can work for all of the jurisdictions and then there will be someone who can step up and do that. Finally, a staff person really needs to get Washington to where we ought to be as a court system. Therapeutic courts are expanding, not going away.

It was moved by Judge Alicea-Galvan and seconded by Judge Sparks to move the Therapeutic Court Coordinator budget request forward. The motion failed.

It was requested that the BJA Resolution on Drug Courts and Other Problem-solving Courts be included in the June meeting materials.

GR 31.1 Update

Mr. Bell reported that the GR 31.1 Implementation Work Group has drafted five forms and two policies which have gone through the Core Work Committee, the Executive Oversight Committee and the External Review Committee. They will be sent to the BJA Implementation Oversight Group to review and, if approved, there will be policies for the BJA to review at the June meeting.

Mr. Radwan stated that the Core Work Committee will look at a calendar to determine the implementation date proposal and it will be brought back to the BJA for approval.

Interim Standing Committee Charter Updates

Court Education Committee: They are still trying to determine if their “Charge or Purpose” will include non-judicial officers and if they will be voting members.

Budget and Funding Committee: One recommendation from the Budget and Funding Committee will be to sunset the Trial Court Operations Funding Committee. This will be on the July meeting agenda for action.

Legislative Committee: The Legislative Committee is on track to have their charter ready to go by the June meeting.

Policy and Planning Committee: They are meeting today and on track to wrap everything up.

Court Reform and Regional Courts Report

This was provided as information only.

Administrative Manager's Report

This was provided as information only.

Other Business

Judge Ringus and Chief Justice Madsen thanked Judge Snyder and Judge Svaren for their service to the BJA.

The next meeting is June 20.

There being no further business, the meeting was adjourned.

Recap of Motions from the May 16, 2014 meeting

Motion Summary	Status
Approve the March 21, 2014 BJA meeting minutes	Passed
Move the employee salary adjustment budget request forward	Passed
Move the Becca programs budget request forward	Failed
Move the juvenile court and juvenile detention alternatives initiative (JDAI) staff budget request forward	Passed
Move the CASA restoration and state CASA funding budget request forward	Passed with Justice Owens opposed
Move the FJCIP expansion budget request forward	Passed
Delay the vote on the misdemeanor corrections budget request until the next meeting	Passed
Move the telephonic interpreting budget request forward	Passed
Move the trial court funding for language access budget request forward with IT governance included in the request	Passed
Move the therapeutic court coordinator budget request forward	Failed

Action Items from the May 16, 2014 meeting

Action Item	Status
<u>March 21, 2014 BJA Meeting Minutes</u>	
<ul style="list-style-type: none"> Post the minutes online Send minutes to the Supreme Court for inclusion in the En Banc meeting materials 	<p>Done</p> <p>Done</p>
<u>Budget Requests</u>	
<ul style="list-style-type: none"> Add misdemeanor corrections budget request to June agenda for action Include resolution regarding interpreters and DOJ letter to King County in May packet with interpreter budget request Include therapeutic courts resolution in next packet Include additional budget information in June packet 	<p>Done</p> <p>Done</p> <p>Done</p> <p>Done</p>
<u>GR 31.1 Update</u>	
<ul style="list-style-type: none"> Add GR 31.1 Policies to the June BJA meeting agenda 	Done
<u>Interim Standing Committee Charter Updates</u>	
<ul style="list-style-type: none"> Add Trial Court Operations Funding Committee sunset request to the July BJA meeting agenda 	